

PATENT APPLICATION

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re application of

Docket No: Q83961

Etienne DUNAS, et al.

Appln. No.: 10/510,685

Group Art Unit: 2617

Confirmation No.: 4008

Examiner: Huy C. Ho

Filed: February 16, 2005

For: SYSTEM AND METHOD FOR REAL-TIME INTERCONNECTION OF ELEMENTS
OF A WIDE AREA MONITORING, MEASUREMENT OR DATA COLLECTION
SYSTEM THROUGH A DIRECT DIGITAL SATELITTE BROADCASTING
MULTIPLEXING SYSTEM

SUBMISSION OF APPEAL BRIEF

MAIL STOP APPEAL BRIEF - PATENTS

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

Submitted herewith please find an Appeal Brief. The statutory fee of \$540.00 is being remitted. The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

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Date: November 10, 2010

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APPEAL BRIEF UNDER 37 C.F.R. § 41.37

MAIL STOP APPEAL BRIEF - PATENTS

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

In accordance with the provisions of 37 C.F.R. § 41.37, Appellant submits the following:

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I. REAL PARTY IN INTEREST

Based on information supplied by Appellants, and to Appellants' legal representatives' knowledge, the real party in interest is the assignee, ALCATEL.

II. RELATED APPEALS AND INTERFERENCES

To the best of their knowledge, there are no other related appeals or interferences known to Appellants, Appellants' legal representatives or the assignee that will directly affect, be affected by, or have a bearing on the Board's decision in the instant Appeal.

III. STATUS OF CLAIMS

Claims 1-25 are all the claims currently pending in the Application, all of which currently stand rejected. **Rejected claims 1-25 are the subject of this Appeal.**

IV. STATUS OF AMENDMENTS

The status of all amendments filed after final rejection is as follows:

The Amendment filed on August 6, 2010 under 37 C.F.R. § 1.116 has been entered as indicated in the Advisory Action dated September 1, 2010.

V. SUMMARY OF THE CLAIMED SUBJECT MATTER

An exemplary embodiment is directed to:

A satellite-based monitoring, measurement or data collection system, (Specification as filed, page 4 lines 24-29), comprising:

a monitoring, measurement or data collection system having a plurality of monitoring stations for remote monitoring, measurement or data collection and for providing data, to respective computation centers, (Specification as filed, page 4, lines 24-29), and;

a satellite system using at least one satellite having an on-board processor for multiplexing up-link data received and broadcasting said multiplexed data in a down-link transmission, (Specification as filed, page 4, lines 30-32);

wherein:

said up-link data received by said satellite comprises a digital channel corresponding to a respective one of said computation centers, (Specification as filed, page 10, lines 9-13);

said respective computation center is connected to a down-link adapter connected to a receiver or group of receivers, (Specification as filed, page 4, line 33-35); and

said down-link adapter is adapted for extracting, from said down-link transmission, said digital channel corresponding only to the said respective computation center, (Specification as filed, page 10, lines 6-8).

Another exemplary embodiment is directed to

A down-link adapter for extracting at least one channel from a down-link transmission as recited in the first exemplary embodiment. (Specification as filed, page 5, lines 10-12; FIG. 3).

Yet another exemplary embodiment is directed to

An up-link adapter for converting signals received from a monitoring station of a monitoring, measurement or data collection system, into signals suitable for digital up-link transmission recited in the first exemplary embodiment. (Specification as filed, page 5, lines 17-19; FIG. 4).

Another exemplary embodiment is directed to

A method for interconnecting elements of a monitoring, measurement or data collection using a satellite system, (Specification as filed, page 4, lines 24-29), comprising:

remote monitoring, measurement or data collection by means of a plurality of monitoring stations and providing data to respective computation centers, (Specification as filed, page 4, lines 24-29), and;

at least one satellite of said system multiplexing up-link data by means of an on-board processor and broadcasting said multiplexed data in down-link transmission, (Specification as filed, page 4, lines 30-32);

transmitting a digital channel in said up-link data to said satellite, said channel corresponding to a respective computation center, said computation center being connected to a

down-link adapter connected to a satellite receiver or a group of satellite receivers, (Specification as filed, page 8, lines 25-32); and

extracting from said down-link transmission, by said down-link adapter, only said digital channel corresponding to the respective computation center, (Specification as filed, page 10, lines 6-8).

VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

The grounds of rejection to be reviewed, including the statute applied, the claims subject to each rejection, and the references relied upon by the examiner are as follows:

Claims 1-25 are rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by U.S. Patent No. 6,498,922 to Lazaris-Brunner (hereinafter “Lazaris-Brunner”).

VII. ARGUMENT

A. Lazaris-Brunner fails to anticipate claims 1-25 under 35 U.S.C. § 102(b)

Independent Claim 1

Claim 1 recites (in part):

a monitoring, measurement or data collection system having a plurality of monitoring stations for remote monitoring, measurement or data collection and for providing data, to respective computation centers, and;

a satellite system using at least one satellite having an on-board processor for multiplexing up-link data received and broadcasting said multiplexed data in a down-link transmission;

wherein:

said up-link data received by said satellite comprises a digital channel corresponding to a respective one of said computation centers;

said respective computation center is connected to a down-link adapter connected to a receiver or group of receivers; and

said down-link adapter is adapted for extracting, from said down-link transmission, said digital channel corresponding only to the said respective computation center.

Appellant submits that Lazaris-Brunner fails to disclose the above recitations of claim 1.

First, Appellant submits that Lazaris-Brunner fails to disclose “monitoring stations for remote monitoring, measurement or data collection and for providing data, to respective computation centers” and “up-link data received by said satellite compris[ing] a digital channel corresponding to a respective one of said computation centers.” Giving the required weight to all of the claim terms, the term “respective” in particular, the present Application has monitoring stations and up-link data that correspond computation centers. Accordingly, the claimed “remote monitoring, measurement or data collection,” and the “providing data” is performed by a monitoring stations associated with respective computation centers.

Quite to the contrary, Lazaris-Brunner discloses regional and global programming, both of which are distributed to a plurality of homes. Specifically, the Examiner alleges that the regional programming sources 20 in Lazaris-Brunner correspond to the claimed monitoring stations, and the programming signals D, E correspond to the recited up-link data. Yet these

elements do not correspond to “respective computation centers,” or “a respective one of said computation centers,” respectively. Instead, Lazaris-Brunner explicitly discloses that it is the satellite therein that makes any association between the programming sources, and the receivers 16.

For example, Lazaris-Brunner states:

The following example demonstrates the functionality of the present invention. A sporting event is taking place between two teams that are located in cities on the west coast of the United States. During the regular season this program is most likely of interest only to viewers that are within the downlink beam(s) covering the western United States--i.e. it is a regional program. But, if this is a playoff game, or a bowl game, it may be desirable to provide national or at least super-regional coverage for the event. Prior art satellites are incapable of dealing with these varying programming situations. The present invention, by distinction, can deal with both scenarios by programming the inventive satellite to filter, switch, route, combine and format the incoming regional programming signal from the west coast location to the proper downlink beams to match the coverage requirements.

Lazaris-Brunner, col. 4, lines 11-26, emphasis added.

This example makes it clear that Lazaris-Brunner has a number of programming sources which, at the time of acquiring their broadcasting, have no association with the eventual receivers that will receive the programming. The later disclosures in Lazaris-Brunner reinforce the above-quoted example, disclosing it is the satellite that is programmed to route the programming signals to different regions, combining them with other regional programming, as well as global programming, with no such determination taking place before or during when the programming signals are sent to the satellite. (Lazaris-Brunner, col. 7, lines 14-18, 55-60; col. 8, lines 31-47). In other words, the signals sent in Lazaris-Brunner are only associated with a region by the satellite after receipt by the satellite. Accordingly, neither the programming sources nor the programming signals D, E in Lazaris-Brunner are associated with “respective

computation centers” or correspond “to a respective one of said computation centers,” respectively. Accordingly, Appellant submits that Lazaris-Brunner fails to disclose the claimed monitoring stations and up-link data, and therefore, claim 1 patentably distinguishes over Lazaris-Brunner for *at least* this reason.

Appellant further submits that Lazaris-Brunner fails to disclose the claimed downlink adapter “adapted for extracting, from said down-link transmission, said digital channel corresponding only to the said respective computation center.” (emphasis added). Lazaris-Brunner teaches “Each of the downlink spots 22, 24, 26, and 28 are referred to herein as ‘regions,’ and within each region there are a plurality of home receivers 16 that are desirous of receiving both global programming C from the central hub station 12 and regional programming generated from within their own local region, or perhaps from neighboring regions.” (Lazaris-Brunner, col. 6, lines 53-59, emphasis added). Because the homes in the regions desire global programming, Lazaris-Brunner cannot possibly disclose a down-link adapter “adapted for extracting, from said down-link transmission, said digital channel corresponding only to the said respective computation center.” (emphasis added). Accordingly, Appellant submits that Lazaris-Brunner fails to disclose the claimed downlink adapter, and therefore, claim 1 patentably distinguishes over Lazaris-Brunner for *at least* this reason.

Appellant submits that claims 2-13 patentably distinguish over Lazaris-Brunner due *at least* to their dependence on claim 1. Appellant further submits that claim 14 patentably distinguishes over the cited art for reasons analogous to those presented with regards to claim 1. Appellant further submits that claims 15-25 patentably distinguish over the cited art due *at least* to their dependence on claim 14.

Dependent Claim 6

Dependent claim 6 recites “wherein a monitoring station has a receiver for synchronizing message transmission using data extracted from said down-link channel multiplex content.” In rejecting this claim, the Examiner has cited a portion of Lazaris-Brunner in which central hub

station 12 communicates with other programming sources through the use of landlines. (Lazaris-Brunner, col. 6, lines 33-67; *See Also* Office Action of 4/13/2010, page 6, 5th full paragraph). This communication by itself cannot disclose the extraction of data from down-link channel multiplex content because the communication described in Lazaris-Brunner takes place through land lines 18, and not from a satellite down-link. (Lazaris-Brunner, col. 6, lines 33-38). Furthermore, there is no disclosure in Lazaris-Brunner that the other programming sources extract data from down-link channel multiplex content, so it is not possible that such data is included in the communication over the landlines. Appellant further submits that nowhere in the cited portions of Lazaris-Brunner, or anywhere else in the reference, is there reference to “synchronizing message transmission.” For *at least* these reasons, Appellant submits claim 6 patentably distinguishes over Lazaris-Brunner.

Dependent Claim 9

Claim 9 recites:

A down-link adapter according to claim 8 for converting data framing from said satellite down-link data channel rate to message format and/or converting data rate to rate adapted to a cyclic data rate of said monitoring, measurement or data collection system.

Appellant submits that Lazaris-Brunner fails to disclose the above-recited features of claim 9. First, Appellant notes that the Examiner alleges that these recitations are disclosed in Lazaris-Brunner at column 3, lines 1-55, and column 7 lines 1-13. Column 3 of Lazaris-Brunner is directed to “a novel satellite architecture,” and the description in column 3, lines 1-55 ends with the formation of the downlink beams in Lazaris-Brunner. Accordingly, column 3, lines 1-55 cannot possibly disclose “converting data framing from said satellite down-link data channel,” as is recited in claim 9. Column 7, lines 1-15 describe the creation of the uplink beams in Lazaris-Brunner. Accordingly, the cited portions of the reference cannot possibly disclose “converting data framing from said satellite down-link data channel rate.” Appellant further

submits that nowhere else in the Lazaris-Brunner reference is a down-link adapter disclosed as claimed.

Dependent Claim 10

Claim 10 recites, “A down-link adapter according to claim 8 wherein said down-link adapter provides data to another adapter connected to a monitoring station.” The same sections of Lazaris-Brunner that are used to reject claim 9 are also cited in the rejection of claim 10. Accordingly, the cited portions of the reference cannot possibly disclose a down-link adapter which “provides data to another adapter connected to a monitoring station.” Appellant further submits that nowhere else in the Lazaris-Brunner reference is a down-link adapter disclosed as claimed.

Dependent Claim 13

Claim 13 recites, “An up-link adapter according to claim 10 wherein said uplink adapter receives data from another adapter such as a down-link adapter.” Once again the Examiner has cited Lazaris-Brunner, column 3, lines 1-55, and column 7, lines 1-7 in making the rejection. As with claims 9 and 10, Appellant submits that these portions of Lazaris-Brunner fail to disclose the up-link adapter as claimed. Appellant further submits that no other portion of Lazaris-Brunner discloses the up-link adapter as claimed.

Dependent Claim 18

Claim 18 recites, “marker indexing is used in said down-link transmission as a synchronization signal.” The Examiner cites to column 8, lines 25-27 as disclosing this feature, yet, this disclosure is directed to uplink beams, not downlink beams as is recited in claim 18. Accordingly, this section cannot possibly disclose the down-link transmission as claimed. Appellant further submits that nowhere else in Lazaris-Brunner are the recitations of claim 18 disclosed.

Dependent Claim 19

Claim 19 recites, “A method according to claim 18 wherein said synchronization is also used for sub-multiplexing up-link channels transmission,” where claim 18 recites that “marker indexing is used . . . as a synchronization signal.” The Examiner cites to column 2, lines 10-47 of Lazaris-Brunner as disclosing this recitation, but this section not only fails to disclose marker indexing as claimed, but it is directed to a different satellite system which only uses a single up-link beam. Accordingly, this section cannot possibly disclose the recitations of claim 19. Appellant further submits that no other section of Lazaris-Brunner discloses the recitations of claim 19.

Dependent Claim 20

Claim 20 recites “data is returned from a down-link adapter to an up-link adapter transferring time information and/or data information between said adapters.” The Examiner alleges that these recitations are disclosed by a portion in Lazaris-Brunner which discloses “receivers receive program data such as news, sports information, regional program data from sources.” (Office Action of 4/13/2010, page 8, 4th full paragraph; *See Also* Lazaris-Brunner, col. 7, lines 1-55). First, nowhere in these 55 lines of text is time information discussed. Next, this disclosure fails to disclose data returned “from a down-link to an up-link adapter.” Accordingly, Appellant submits claim 20 patentably distinguishes over Lazaris-Brunner.

Dependent Claim 21

Claim 21 recites:

A method for use in the adapter of claim 12 wherein a data message is delayed before being put into a next frame generated at a digital direct broadcast satellite channel rate, using a frame produced faster than needed by the rate of monitoring, measurement or data collection, thus giving rise to a so-called marker frame carrying data such as timing data.

In rejecting this claim, the Examiner cites to column 5, lines 55-67, and column 6, lines 1-33. First, Appellant notes that the adapter of claim 12 is an up-link adapter, and therefore, the method recited in claim 21 is directed to an up-link adapter. As column 6, lines 5-33 of Lazaris Brunner are directed to satellites, this section cannot possibly disclose the method recited in claim 21.

Column 5, line 55 - column 6, line 4 also fails to disclose the recitations of claim 21. All that is disclosed in this section of Lazaris-Brunner is that multiple signals can be multiplexed together. This section makes no mention of “a data message is delayed before being put into a next frame generated at a digital direct broadcast satellite channel rate,” it makes no mention of “using a frame produced faster than needed by the rate of monitoring,” and it makes no mention of “giving rise to a so-called marker frame carrying data such as timing data.” Accordingly, the cited portions of Lazaris-Brunner fail to disclose the recitations of claim 21. Appellant further submits that no other section of the reference discloses the recitations of the claim.

Dependent Claim 22

Claim 22 recites:

A method for use in the adapter of claim 8 wherein data related to time and/or date is/are broadcast through a digital direct broadcast satellite system and wherein a frame received at a digital direct broadcast satellite channel rate, is converted into a message at a monitoring, measurement and data collection rate with the exception of a marker frame carrying data such as timing data.

In rejecting the claim, the Examiner cites to column 7, lines 1-55 of Lazaris-Brunner. First, as discussed above with regards to claim 20, nowhere in these 55 lines of text is time information discussed. Second, there is no discussion of a marker frame, or the conversion of a satellite channel rate into a message at a monitoring, measurement and data collection rate. Appellant further submits that Lazaris-Brunner fails to disclose the recitations of claim 22 in other portions of the reference.

Dependent Claim 23

Claim 23 recites, “A method according to claim 22 wherein said timing data is used for evaluating transit time or for providing time to any other unit connected thereto such as a display.” In rejecting the claim, the Examiner cites to column 7, lines 1-67 of Lazaris-Brunner. First, Appellant submits that column 7, lines 1-55 fail to disclose the recitations of claim 23 for reasons analogous to those presented with regards to claim 22. Appellant further submits that lines 56-67 of column 7 of Lazaris-Brunner fail to disclose the recitations of claim 23. For example, these lines in Lazaris-Brunner are directed to the multiplexing, filtering and switching abilities of the satellite described therein. Nowhere in the cited portions, or anywhere else in the reference, does Lazaris-Brunner disclose “evaluating transit time, or for providing time to any other unit connected thereto such as a display.”

Dependent Claim 24

Claim 24 recites, “A method according to claim 23 wherein a transit time of a message from a time instant it is transmitted from an up-link adapter until a time instant it is received by a down-link adapter through a digital direct broadcast satellite is evaluated.” As the Examiner cites column 7, lines 1-67 of Lazaris-Brunner in rejecting the claim, Appellant submits that claim 24 distinguishes over the cited art for reasons analogous to those presented with regards to claim 23.

Dependent Claim 25

Dependent claim 25 recites, *inter alia*:

wherein a computation center broadcasts through a digital direct broadcast satellite, to said monitoring stations by means of an up-link adapter incorporated therein and a monitoring station having a downlink adapter detects a channel specifically addressed thereto, providing data to said monitoring station, said data being usable for implementing a unicast, multicast or broadcast addressing scheme.

As recited above, the computation center of claim 25 broadcasts to said monitoring station, thereby allowing communication in both directions, from the monitoring station to the computation center, and communication from the computation center to the monitoring station. Appellant submits that Lazaris-Brunner only discloses communication from the programming sources, the alleged monitoring stations, to the receivers, the alleged computation centers, and therefore, fails to disclose the recitations of claim 25. The Examiner cites to column 6, lines 33-67 and column 7, lines 1-67 as disclosing these recitations but these sections, as well as every other portion of the reference, are directed to one-way communication between a programming source and a receiver. Accordingly, Appellant submits that claim 25 patentably distinguishes over Lazaris-Brunner.

VIII. CONCLUSION

The statutory fee (37 C.F.R. §41.37(a) and 1.17(c)) is being remitted. The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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Date: November 10, 2010

CLAIMS APPENDIX

CLAIMS 1-25 ON APPEAL:

1. A satellite-based monitoring, measurement or data collection system comprising:
a monitoring, measurement or data collection system having a plurality of monitoring stations for remote monitoring, measurement or data collection and for providing data, to respective computation centers, and;

a satellite system using at least one satellite having an on-board processor for multiplexing up-link data received and broadcasting said multiplexed data in a down-link transmission;

wherein:

said up-link data received by said satellite comprises a digital channel corresponding to a respective one of said computation centers;

said respective computation center is connected to a down-link adapter connected to a receiver or group of receivers; and

said down-link adapter is adapted for extracting, from said down-link transmission, said digital channel corresponding only to the said respective computation center.

2. A system according to claim 1, wherein each of said monitoring stations is connected through an up-link adapter to the satellite up-link broadcasting station.

3. A system according to claim 1, wherein said satellite system is a digital direct broadcast satellite system.

4. A system according to claim 1, wherein at least one of said monitoring stations has at least one channel from the up-link transmission allocated thereto.

5. A system according to claim 4, wherein several remote channels, or several monitoring stations are grouped together using sub-multiplexing channel capabilities of said digital direct broadcast satellite system.

6. A system according to claim 1, wherein a monitoring station has a receiver for synchronizing message transmission using data extracted from said down-link channel multiplex content.

7. A system according to claim 1, wherein time and/or date is broadcast to said down-link adapters, and optionally to said digital direct broadcast satellite receivers.

8. A down-link adapter for extracting at least one channel from a down-link transmission as claimed in claim 1.

9. A down-link adapter according to claim 8 for converting data framing from said satellite down-link data channel rate to message format and/or converting data rate to rate adapted to a cyclic data rate of said monitoring, measurement or data collection system.

10. A down-link adapter according to claim 8 wherein said down-link adapter provides data to another adapter connected to a monitoring station.

11. An up-link adapter for converting signals received from a monitoring station of a monitoring, measurement or data collection system, into signals suitable for digital up-link transmission as claimed in claim 2.

12. An up-link adapter according to claim 11 for converting data message format from said monitoring station to an up-link format of said satellite system and/or converting data rate to an uplink rate adapted to said satellite system.

13. An up-link adapter according to claim 10 wherein said up-link adapter receives data from another adapter such as a down-link adapter.

14. A method for interconnecting elements of a monitoring, measurement or data collection using a satellite system, comprising:

remote monitoring, measurement or data collection by means of a plurality of monitoring stations and providing data to respective computation centers, and;

at least one satellite of said system multiplexing up-link data by means of an on-board processor and broadcasting said multiplexed data in down-link transmission;

transmitting a digital channel in said up-link data to said satellite, said channel corresponding to a respective computation center, said computation center being connected to a down-link adapter connected to a satellite receiver or a group of satellite receivers; and

extracting from said down-link transmission, by said down-link adapter, only said digital channel corresponding to the respective computation center.

15. A method according to claim 14 wherein said up-link broadcasting station performs up-link broadcasting of data received from an up-link adapter connected thereto.

16. A method according to claim 14 wherein said satellite system is a digital direct broadcast satellite system.

17. A method according to claim 14 wherein said broadcasting of the multiplexed data in down-link transmission is performed in time division multiplexing, TDM, mode.

18. A method according to claim 14 wherein marker indexing is used in said down-link transmission as a synchronization signal.

19. A method according to claim 18 wherein said synchronization is also used for sub-multiplexing up-link channels transmission.

20. A method for interconnecting adapters as in claim 13, wherein data is returned from a down-link adapter to an up-link adapter transferring time information and/or data information between said adapters.

21. A method for use in the adapter of claim 12 wherein a data message is delayed before being put into a next frame generated at a digital direct broadcast satellite channel rate, using a frame produced faster than needed by the rate of monitoring, measurement or data collection, thus giving rise to a so-called marker frame carrying data such as timing data.

22. A method for use in the adapter of claim 8 wherein data related to time and/or date is/are broadcast through a digital direct broadcast satellite system and wherein a frame received at a digital direct broadcast satellite channel rate, is converted into a message at a monitoring, measurement and data collection rate with the exception of a marker frame carrying data such as timing data.

23. A method according to claim 22 wherein said timing data is used for evaluating transit time or for providing time to any other unit connected thereto such as a display.

24. A method according to claim 23 wherein a transit time of a message from a time instant it is transmitted from an up-link adapter until a time instant it is received by a down-link adapter through a digital direct broadcast satellite is evaluated.

25. A method according to claim 13 wherein a computation center broadcasts through a digital direct broadcast satellite, to said monitoring stations by means of an up-link adapter incorporated therein and a monitoring station having a down-link adapter detects a channel specifically addressed thereto, providing data to said monitoring station, said data being usable for implementing a unicast, multicast or broadcast addressing scheme.

EVIDENCE APPENDIX

There has been no evidence submitted pursuant to 37 C.F.R. §§ 1.130, 1.131, or 1.132 or any other similar evidence.

RELATED PROCEEDINGS APPENDIX

There are no related proceedings.